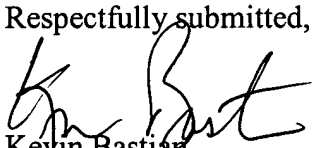
would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP at § 808.02). Applicants respectfully submit that all of the inventions in the present application can readily be searched without undue burden.

Claim 7 has been amended to conform to the subject matter of the elected group. Support for claim 7, as amended is found, for example, at page 5, lines 16-20. In addition to claim the subject matter of the invention more particularly, applicants have added new claims 39-43. Support for claim 39 is found, for example, at page 7, lines 4-6. Support for claim 40 is found, for example, at page 19, lines 11-17. Support for claim 41 is found, for example, at page 19, lines 23-25. Support for claim 42 is found, for example, at page 25, lines 4-17. Support for claim 43 is found, for example, in claim 7, as filed.

In light of the above, Applicants respectfully request that the restriction be withdrawn. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

7.(Amended) A method of diagnosing prostate cancer [or breast cancer] comprising:

a) determining the expression of a gene encoding PAA3 or a fragment thereof in a first [prostate or breast] tissue of a first individual; and

b) comparing said expression of said gene [gene(s)] from a second normal [colon] tissue from said first individual or a second unaffected individual;

wherein a difference in said expression indicates that the first individual has prostate cancer [or breast cancer].

PENDING CLAIMS

7. A method of diagnosing prostate cancer comprising:

a) determining the expression of a gene encoding PAA3 or a fragment thereof in a first tissue of a first individual; and

b) comparing said expression of said gene from a second normal tissue from said first individual or a second unaffected individual;

wherein a difference in said expression indicates that the first individual has prostate cancer.

39. The method of claim 7, wherein said determining is carried out by detecting an RNA molecule comprising SEQ ID NO: 1.

40. The method of claim 39, wherein said determining is carried out using a nucleic acid probe.

41. The method of claim 40, wherein said nucleic acid probe is immobilized to a solid support.

42. The method of claim 40, wherein said nucleic acid probe is labeled.

43. The method of claim 7, wherein said first tissue is prostate tissue.